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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,933	03/23/2001	Christian Siemers	GR 98 P 8110 P	6157
24131	7590	06/05/2006	EXAMINER	
LERNER GREENBERG STEMER LLP			SIDDIQI, MOHAMMAD A	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			2154	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/816,933	SIEMERS, CHRISTIAN	
Examiner	Art Unit	
Mohammad A. Siddiqi	2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05/02/2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner takes note the Applicant's remark filed on 05/02/2006; however, applicant's arguments have been fully considered but they are not persuasive should not be imported into the claim. In response to Applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Moore discloses a program-controlled unit (see abstract), comprising: an intelligent core configured to process instructions to be executed (fig 1-8, abstract, col 4, lines 1-30); a plurality of units selected from the group consisting of internal peripheral units disposed inside the program-controlled unit (fig 1-8, abstract, col 4, lines 1-30), external peripheral units exterior to the program-controlled unit (fig 1-8, abstract, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-47), and one or more memory devices (fig 1-8, abstract, col 4, lines 1-45, col 6, lines 26-48, lines 1-30, col 8, lines 1-61); and a structurable hardware unit selectively forming an application-specifically configurable intelligent interface (col 14, lines 62-67 and col 15, lines 1-20), for respectively connecting said intelligent core (fig 1-8, abstract, col 13, lines 1-10) and said units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61), including at least one of an interface (external 32 bit bus, col 9, lines 35-41) connection between said intelligent core and said internal peripheral units (fig 1-8, abstract, col 4, lines 1-30), an interface connection (external 32 bit bus, col 9, lines 35-41) between said intelligent core and said external peripheral units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61), an interface connection (external 32 bit bus, col 9, lines 35-41) between said intelligent core and said memory devices (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61), and an interface connection (external 32 bit bus, col 9, lines 35-41) between said plurality of units (fig 1-8, abstract, col 13, lines 1-10, col 4, col 6, lines 26-48, lines 1-30, col 8, lines 1-61); and said structurable hardware unit (abstract, fig 1-8, col 4, lines 1-11) being configured so that it can be configured like a configuration of field-programmable logic arrangements (lines 50-67; col 11, lines 16-36, col 7). Freitag discloses hardware unit can be configured like PLAs, GLAs, PLDs, FPGAs and to evaluate and process data and/or signal received (col 3, lines 44-67; col 4 lines 1-41; col 8; lines 19-50). Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Freitag and Moore. The motivation would have been to implement programmable logic circuitry to implement one of many possible communication protocol. It is noted that claim 77 and 78 have been cancelled and there was typographical error in previous action